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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/074,401	02/12/2002	Robert E. McCoy	P/79-4	7032
7590	09/15/2004		EXAMINER	
PHILIP M. WEISS, ESQ. WEISS & WEISS 310 OLD COUNTRY ROAD, SUITE 201 GARDEN CITY, NY 11530			FILIPCZYK, MARCIN R	
		ART UNIT	PAPER NUMBER	
		2171	DATE MAILED: 09/15/2004	

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	10/074,401	MCCOY, ROBERT E.
	Examiner	Art Unit
	Marc R Filipczyk	2171

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 12 February 2002.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-8 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 12 February 2002 is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____. |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____. | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| | 6) <input type="checkbox"/> Other: _____. |

DETAILED ACTION

This action is in response to application filed on February 12, 2002 in which claims 1-8 are presented for examination. The address change submitted 2/27/04 has been noted.

Priority

Claims Priority from Provisional Application 60/268,140 filed on February 12, 2001.

Claim Objections

Claims 1-8 are objected to because of the following informalities: Regarding claims 1-3, 6 and 7 in the preamble, the character “;” must be replaced with “.”. Claims 4, 5, and 8 depend from the objected claims 3 and 7, and therefore are also objected on the same merits.

Appropriate correction is required.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

- (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Matsumoto et al (U.S. Patent No. 6,763,334).

Regarding claims 1 and 7, Matsumoto discloses a system and method for determining which ads direct which web clicks comprising (abstract):

a database comprising information about a user's media buys (fig. 1, item 15, col. 7, lines 15-56).

an index log file optionally comprising a user's IP address (fig. 2, item 62, col. 8, lines 53-64);

said system comparing information from said first database with information from said index log file to determine which of said ads generated said web clicks (col. 10, lines 8-12).

Matsumoto does not expressly teach a second database for storing user's IP address, but does store user's referrer log showing all referring pages from which the user is led to entrance page and also optionally stores the user's IP address in the index log file (62). Note, the user's IP address does not have to be stored because Matsumoto system uses an index URL embedded in the ad which allows for the monitoring of the user's access induced by the advertisement hence the actions of the user are known without the need for user's IP address, however, optionally user's IP address may be stored (col. 8, lines 53-63).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to store user's IP address and referrer log in a second database in the Matsumoto system by simply modifying the index log file (62) to be implemented as a database. One would be motivated to use a second database instead of an index log file to easier manipulate the data stored in the index log file.

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Regarding claims 2 and 8, Matsumoto discloses the system further comprises a report which shows which ads generated the web clicks (col. 9, lines 61-65).

Regarding claim 3, Matsumoto discloses information about the user's buys comprises; date and time of advertising, type of advertising, location of ad and expiration date of the ad (col. 7, lines 24-40).

Regarding claim 4, Matsumoto discloses the information about a user's media buys further comprises cost of the ad (col. 5, lines 22-29).

Regarding claim 5, Matsumoto discloses the information about a user's media buys further comprises demographics of the ad (col. 6, lines 59-63).

Regarding claim 6, Matsumoto discloses a report which shows which of the web clicks do not correspond to an ad (col. 9, line 61 to col. 10, line 7).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Marc R Filipczyk whose telephone number is 703-305-7156. The examiner can normally be reached on Mon-Fri, 8am-4:30pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Safet Metjahic can be reached on 703-308-1436. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

MF

September 10, 2004



SAFET METJAHIC
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100